

TRIPURA



GAZETTE

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**PART--I-- Orders and Notifications by the Government of Tripura,
The High Court, Government Treasury etc.**

**GOVERNMENT OF TRIPURA
OFFICE OF THE COMMISSIONER OF EXCISE
P.N. COMPLEX, GURKHABASTI, AGARTALA.**

No.F.II-2(23)-EX/2019/105-14

Dated, Agartala, the 16th January, 2021.

NOTIFICATION

In exercise of the powers conferred upon the undersigned as per provision of Sub-Rule (4) of Rule 154 read with Rule 22, Rule 26(2) and Rules 29A of the Tripura Excise Rules, 1990 (as amended time to time) and in cancellation of all earlier Notifications issued in this regard, following guidelines are issued for invitation of Notice Inviting Tender (in short NIT) and regulatory procedure for retail vend of Foreign Liquor and Country Liquor shops of the State, which are as follows:-

2. The sites for Foreign Liquor (FL) and Country Liquor (CL) shops shall be selected following the procedures laid down as per the provisions of Rule-26 of the Tripura Excise Rules, 1990 (as amended time to time).
3. The Excise Commissioner shall fix and notify the Minimum Reserve Fee (MRF) for each shop as per Sub-rule (2) of Rule 154 of the Tripura Excise Rule, 1990 with the approval of the Government. MRF fixation for existing shops shall be on the basis of the last tendered value. In case of new shops, MRF will be fixed factoring into consideration MRF of nearby shops. In case of shops lying under defunct (Non-functioning) conditions despite inviting tender in consecutive 03(three) occasions, MRF may be fixed by providing upto 20% reduction over the last fixed MRF. The MRF may be notified for any period not exceeding 3 (three) years.
4. The Collector of Excise of all Districts would be the Tendering Authority. The Collector of Excise shall invite "e-tender" (<https://tripuratenders.gov.in>) allowing at least 21(twenty one) days time for submission of "e-tender" by the interested tenderer against retail vend of FL/CL shop. The "e-tender" would be in two parts, viz. :- i). Technical part and ii). Financial Part.
5. For Technical part, the interested bidder should upload the following documents.
 - I. Self Photograph, age proof, residence proof, proof of identity, copy of PAN card and Aadhaar card.

- II.** A statement of immovable property alongwith supporting document(s) and current Bank balance mentioning name of Bank and Account No. to prove his/her financial ability to carry on the business. A certificate from the concerned Bank Manager about the present bank balance of the bidder mentioning the Account Number should also be given.
- III.** Copies of the duly authenticated Income Tax Return and Professional Tax Clearance Certificate.
- IV.** The tenderer shall declare that he/she has never been convicted by a criminal court for committing any non-bailable offence.
- V.** Tenderer shall declare that he/she shall comply with the provisions of Tripura Excise Act, 1987 and Rules, Order, Notification, Executive Instruction etc. issued thereunder.
- VI.** In case of existing licensee, tenderer shall declare that he/she is licensee but not in any arrears to the Government and his/her conduct has not been found to be unsatisfactory and that he/she has never been found guilty of any serious breach of conditions of license.
- VII.** The tenderer shall submit a declaration stating that he/she shall be bound to obey the direction of the Collector of Excise of the concerned district in the arising circumstances of the disposal under Rule 153(2) of the Tripura Excise Rules, 1990. For this purpose, outgoing licensee will be allowed to transfer the left over stock of IMFL, Beer, Country liquor, Wine & RTD beverages etc. at the end of the terms to an incoming licensee (in accordance to the Tripura Excise Rules, 1990) on payment of stock transfer fee to the Collector of Excise by the outgoing licensee @ Rs.5/- per case for CL, @Rs.10/-per case for IMFL and @Rs.5/- per case for Beer, Wine, RTD etc.
- VIII.** In respect of Financial part, tenderer shall pay a Tender Fee of Rs.10,000/- (Rupees ten thousand) only for foreign liquor shop and Rs.1000/- (Rupees one thousand) only for country liquor shop which is non-refundable and Earnest Money Deposit (EMD) of 5% of the MRF of the respective shop (which is refundable) along with the application to the Collector of Excise of the concerned district through online mode in the Payment Gateway integrated with the e-Procurement portal (<https://tripuratenders.gov.in>).

6. The Collector of Excise after receipt of the tenders, shall open the Technical Bid first and examine the documents submitted by the tenderer in respect of Technical Bid. After evaluation of the Technical Bid, the Financial Bids of the technically qualified bidders shall be opened. The Quoted Bid submitted by the bidder must be above the Minimum Reserve Fees (MRF).

7. Thereafter, the Collector of Excise shall ask the highest bidder to show his/her premises within 02(two) weeks time from the date of issuance of instruction of the Collector of Excise. In this case, the tenderer may propose not more than four premises against one particular shop. The area of the proposed premises should not be less than 100 square feet and the details of the location & description of the building (owned or hired) including all required document(s) of the building i.e. Khatian/Touzi/Registered sale deed. In case of hired building a no objection certificate from the owner of the building along with rental agreement and other supporting document(s) should be submitted by the bidder. The propose site should meet up the requirements prescribed under Rule 26 of the Tripura Excise Rules, 1990 (as amended time to time). In case of fail to show the site by the highest bidder within stipulated period, the EMD deposited by him/her shall be forfeited.

N.B:- In respect of Political Party Office, it is clarified that it should be in existence for a period not less than 3 years prior to issue of latest tender notification. In this regard, it is to be certified by the Sub-Divisional Election Officer (SDM) that the Party Office is in existence for a period not less than 3 years.

8. Proposed premises as shown by the respective bidders shall be enquired by the Collector of Excise regarding its suitability as per Rule-26 of the Tripura Excise Rules, 1990 (as amended time to time). If highest bidder fails to show suitable premises as per Rule-26 of the Tripura Excise Rules, 1990 (as amended time to time), then 2nd highest bidder shall be asked to show suitable premises as per Rule-26 of the Tripura Excise Rules, 1990 (as amended time to time) subject to condition that if the Second Highest bidder is ready to the pay rate offered by the 1st highest bidder. In the same principle, offer will be extended to 3rd bidder, if 2nd highest bidder fails to show any suitable premises or not ready to pay the 1st highest rate subject to condition that the 3rd highest bidder will pay the rate of 1st highest bidder. However, in case third bidder fails or not fit into above principle subsequent bidders will be offered same opportunity .Failing of which, fresh e-tender will be floated by the Collector of Excise.

9. The Collector of Excise shall thereafter send the consolidated list of successful/highest bidder as well as other bidders, if any, for each shop(s) with complete details alongwith recommendation for grant of licence to the Commissioner of Excise for obtaining approval of the State Government. If any doubt arises, in respect of the proposal as sent by the Collector of Excise, the Commissioner of Excise may ask for further clarification.

10. The Excise Commissioner shall after examination of the list of the tenders as received from the Collector of Excise refer the matter to the Government in the Finance Department for acceptance of the recommendation of the Collector of Excise and accord necessary approval. However, the Government shall have the powers to accept or reject any tender without assigning any reason.

11. On receipt of Government approval, the successful bidder shall be required to pay/deposit 20% of the tendered value as security/performance guarantee deposit in the form of Deposit-at-Call or Demand Draft or Bankers Cheque or Bank Guarantee either from State Bank of India or any Nationalized Banks or from TGB or TSCB or E-payment through Government portal to the Collector of Excise before issuance of license.

12. No withdrawal of tender shall be made after opening of tender by any tenderer. In case of any kind of surrender/withdrawal of tender is made after opening of tender in such a case Earnest Money Deposit (EMD) as deposited by the tenderer at the time of submission of tender shall be forfeited by the Collector of Excise as per manner provided in the Finance Department's Memorandum No.F.10(SAB 1)/FIN(EXPDIT-1)/2019/956-1100 dated 17.08.2019.

13. After opening of financial bid, if 1st highest bidder withdraw his/her bid, his/her EMD shall be forfeited as per manner under Para-12 and 2nd highest bidder may be allowed the opportunity as per manner prescribed under Para- 8. Same principle will be followed in case of 3rd and subsequent bidders, if second highest bidder doesn't intend to avail the opportunity.

14. The 1st highest and successful bidder shall be asked to deposit his/her requisite licence fee as determined by the Collector of Excise and 20% security deposit within 10(ten) days from date of receipt of deposit order in person. If, 10th day falls on government holiday then next working day will be taken into consideration.

If the 1st highest bidder after receipt of the deposit order not deposit the same within 10(ten) days, EMD deposited by him will be forfeited as per manner under Para-12 then second highest bidder will be considered as successful bidder for allotment of the licensing unit provided the second bidder will pay the rate of 1st highest bidder. In the same principle offer will be extended to remaining subsequent successful bidders, if any. Failing of which, fresh e-tender will be floated by the Collector of Excise.

15. The security / performance guarantee deposit as submitted by the successful tenderer shall be adjusted during last part of the licensing period of the concerned shop except in case of Bank Guarantee. In case of the unsuccessful tenderer, the Earnest Money Deposit (EMD) as submitted will be returned as per manner provided in the Finance Department's Memorandum No. F. 10(SAB 1)/FIN(EXPDT-1)/2019/956-1100 dated 17.08.2019.

16. In case of failure of the licensee to start business of the respective shops within period of 30 days from the date of issuance of license, the Collector of Excise of the concerned district shall cancel the license forthwith and 50% of the security/ performance guarantee deposit as submitted by the licensee after being declared successful bidder shall accordingly be forfeited/realized by the Collector of Excise of the respective district factoring into consideration the reason thereof for not starting business. The Second highest and successful bidder will be considered for allotment of the licensing unit provided the second bidder will pay the rate of 1st highest bidder. In the same principle offer will be extended to subsequent bidder, if any. However, in case third highest/subsequent bidder fails or his bid does not fit into above principle again e-tendering will be done.

17. In case of surrender of license by the licensee or cancellation of license by the Collector of Excise during any part of his license period tenure, 50% of the security/ performance guarantee deposit will be forfeited/realized by the Collector of Excise of the respective district factoring into consideration the reason thereof for surrender or cancellation of license. The reasons should be in the form of a speaking order. The Collector of Excise after cancellation/acceptance of surrender of licence, offer the 2nd highest bidder to take the shop for remaining licensing period in the rate of 1st highest bidder. If 2nd highest bidder not agreed, same principle will be extended to subsequent bidder, if any. Failing which fresh e-tendering will be done by the Collector of Excise.

18. In case of non-settlement of license, in NIT first call process, the Collector of Excise of respective district without any further approval of the Government shall float NIT 2nd Call and NIT 3rd Call under intimation to Excise Commissioner. In case of subsequent calls of NIT (after 3rd call), Collector of Excise shall take prior approval of the Government through Excise Commissioner.

19. To curb the menace of cartelization and monopolistic practices, a single person will be entitled to allotment upto maximum of 3 vends only.

20. In case, more than one bid quoting the same highest price are received, the successful tenderer/bidder will be determined by a draw of lots amongst the tenderers quoting the same highest amount.

21. In case of late payment of any quarter of licence fee, simple interest @18% to be calculated on daily basis and shall be charged upon licensee. The licensee shall have to pay the balance installment along with interest to get his licence operational. The license shall be deemed to have been cancelled and the licensing unit will be closed if the entire licence fee of the quarter is not paid by 15th day of the next month. Failing of which the procedure under the Para No.16 will be applicable.

22. No compensation of any kind or relief in licence fee on account of natural calamity such as fire, floods, drought, earthquake or pandemic etc. or account of riots or as a result of preventive closure ordered by the State Government or as a results of any remission by a court order beyond the specific relief given, shall be admissible to the licensee except as provided under any provision of the Tripura Excise Act & Rules.

23. Based on demand, additional go-down shall be granted within the radius of 100 meters from the existing vend subject to payment of fees and satisfaction of the Rule 26 of the Tripura Excise Rules as amended time to time.

24. In case of defunct (non-functioning) shop, the shop may be shifted/settled upto 3.0 KM radius from the pre-existing location. In case of functioning shop at Urban Local Bodies, the shop may be shifted/settled upto 500 meters radius from the existing location. In case of functioning shop located at other than Urban Local Bodies, the shop may be shifted/settled upto 1.0 KM radius from the existing location.

25. The retail licensee shall display the volume wise MRP chart published by the Excise Department. In case of non-maintaining of Maximum Retail Price (MRP) by the

licensee, a penalty of Rs. 25,000/- (for 1st time) and 50,000/- (for 2nd time & subsequent time) may be imposed by the Collector of Excise.

26. Besides, conventional system, POS based /QR code based payment system shall available in all retail shops and Cash Memos should be issued by all retail premises of FL & CL Shops. Violation of such condition will be penalized @Rs.20,000/- for first time offence and for 2nd time & subsequent offence @Rs.40,000/- only.

27. The retail licensee will make adequate fire safety arrangements. Violation of such condition will be penalized @Rs.20,000/- for first time offence and for 2nd time & subsequent offence @Rs.40,000/- only.

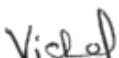
28. The person(s) in whose favour the license is to be granted shall execute a contract with the Collector of Excise before issue of the license.

29. The license may be granted for a period of 3(three) years' or for any shorter period thereof.

30. A model format of NIT as Annexure-A and Checklist as Annexure-B is enclosed herewith.

31. This is issued with the approval of the Government.

Enclo:- As stated.


(Vishal Kumar, IAS)
Commissioner of Excise
Government of Tripura

Annexure-A

NOTICE INVITING TENDER FOR THE SETTLEMENT OF RETAIL VEND OF FOREIGN LIQUOR AND COUNTRY LIQUOR SHOPS.

It is hereby notified for general information that licences are proposed to be offered for retail vend of Foreign Liquor and Country Liquor shops under District through e-tender(<https://tripuratenders.gov.in>) method for the Financial Yearsunder the provisions of Rule 154 read with Rule 22 and Rule 29A of the Tripura Excise Rules, 1990 (as amended time to time).

2. The sites for Foreign Liquor (FL) and Country Liquor (CL) shops shall be selected following the procedures laid down as per the provisions of Rule-26 of the Tripura Excise Rules, 1990 (as amended time to time).

3. Intending tenderer shall submit e-tender addressed to the Collector of Excise, _____ District. The bids shall be uploaded/submitted by the bidders within _____ days from the date of publication of e-tender. There would be two part of tenders:-

i). Technical Part and ii). Financial Part.

4. For Technical part, the interested bidder should upload the following documents.

I. Self Photograph, age proof, residence proof, proof of identity, copy of PAN card and Aadhaar card.

II. A statement of immovable property alongwith supporting document(s) and current Bank balance mentioning name of Bank and Account No. to prove his/her financial ability to carry on the business. A certificate from the concerned Bank Manager about the present bank balance of the bidder mentioning the Account Number should also be given.

III. Copies of the duly authenticated Income Tax Return and Professional Tax Clearance Certificate.

IV. The tenderer shall declare that he/she has never been convicted by a criminal court for committing any non-bailable offence.

V. Tenderer shall declare that he/she shall comply with the provisions of Tripura Excise Act, 1987 and Rules, Order, Notification, Executive Instruction etc. issued thereunder.

VI. In case of existing licensee, tenderer shall declare that he/she is licensee but not in any arrears to the Government and his/her conduct has not been found to be unsatisfactory and that he/she has never been found guilty of any serious breach of conditions of license.

VII. The tenderer shall submit a declaration stating that he/she shall be bound to obey the direction of the Collector of Excise of the concerned district in the arising circumstances of the disposal under Rule 153(2) of the Tripura Excise Rules, 1990. For this purpose, outgoing licensee will be allowed to transfer the left over stock of IMFL, Beer, Country liquor, Wine & RTD beverages etc. at the end of the terms to an incoming licensee (in accordance to the Tripura Excise Rules, 1990) on payment of stock transfer fee to the Collector of Excise by the outgoing licensee @ Rs.5/- per case for CL, @Rs.10/-per case for IMFL and @Rs.5/- per case for Beer, Wine, RTD etc.

VIII. In respect of Financial part, tenderer shall pay a Tender Fee of Rs.10,000/-(ten thousand) only for foreign liquor shop and Rs.1000/-(Rupees one thousand) only for country liquor shop which is non-refundable and Earnest Money Deposit (EMD) of 5% of the MRF of the respective shop (which is refundable) along with the application to the Collector of Excise of the concerned district through online mode in the Payment Gateway integrated with the e-Procurement portal (<https://tripuratenders.gov.in>).

5. The Collector of Excise after receipt of the tenders, shall open the Technical Bid first and examine the documents submitted by the tenderer in respect of Technical Bid. After evaluation of the Technical Bid, the Financial Bids of the technically qualified bidders shall be opened. The Quoted Bid submitted by the bidder must be above the Minimum Reserve Fees (MRF).

6. Thereafter, the Collector of Excise shall ask the highest bidder to show his/her premises within 02(two) weeks time from the date of issuance of instruction of the Collector of Excise. In this case, the tenderer may propose not more than four premises against one particular shop. The area of the proposed premises should not be less than 100 square feet and the details of the location & description of the building (owned or hired) including all required document(s) of the building i.e. Khatian/Touzi/Registered sale deed. In case of hired building a no objection certificate from the owner of the building along with rental agreement and other supporting document(s) should be submitted by the bidder. The propose site should meet up the requirements prescribed under Rule 26 of

the Tripura Excise Rules, 1990 (as amended time to time). In case of fail to show the site by the highest bidder within stipulated period, the EMD deposited by him/her shall be forfeited.

7. Proposed premises as shown by the respective bidders shall be enquired by the Collector of Excise regarding its suitability as per Rule-26 of the Tripura Excise Rules, 1990 (as amended time to time). If highest bidder fails to show suitable premises as per Rule-26 of the Tripura Excise Rules, 1990 (as amended time to time), then 2nd highest bidder shall be asked to show suitable premises as per Rule-26 of the Tripura Excise Rules, 1990 (as amended time to time) subject to condition that if the Second Highest bidder is ready to the pay rate offered by the 1st highest bidder. In the same principle, offer will be extended to 3rd bidder, if 2nd highest bidder fails to show any suitable premises or not ready to pay the 1st highest rate subject to condition that the 3rd highest bidder will pay the rate of 1st highest bidder. However, in case third bidder fails or not fit into above principle subsequent bidders will be offered same opportunity .Failing of which, fresh e-tender will be floated by the Collector of Excise.
8. On receipt of Government approval, the successful bidder shall be required to pay/deposit 20% of the tendered value as security/performance guarantee deposit in the form of Deposit-at-Call or Demand Draft or Bankers Cheque or Bank Guarantee either from State Bank of India or any Nationalized Banks or from TGB or TSCB or E-payment through Government portal to the Collector of Excise before issuance of license. The successful tenderer also require to deposit the license fees i.e. accepted tendered value on quarterly basis within the purview of Rule-155 of the Tripura Excise Rules, 1990 (as amended time to time) before issuance of license.
9. Tender petition received without Tender fee and EMD shall not be entertained in any situation and summarily rejected on the spot.
10. No withdrawal of tender shall be made after opening of tender by any tenderer. In case of any kind of surrender/withdrawal of tender is made after opening of tender in such a case Earnest Money Deposit (EMD) as deposited by the tenderer at the time of submission of tender shall be forfeited by the Collector of Excise as per manner provided in the Finance Department's Memorandum No. F. 10(SAB 1)/FIN(EXPDT-1)/2019/956-1100 dated 17.08.2019.

11. After opening of financial bid, if 1st highest bidder withdraw his/her bid, his/her EMD shall be forfeited and 2nd highest bidder may be allowed the opportunity as per manner prescribed under Para-7. Same principle will be followed in case of 3rd and subsequent bidders, if second highest bidder doesn't intend to avail the opportunity.
12. The 1st highest and successful bidder shall be asked to deposit his/her requisite licence fee as determined by the Collector of Excise and 20% security deposit within 10(ten) days from date of receipt of deposit order in person. If, 10th day falls on government holiday then next working day will be taken into consideration. If the 1st highest bidder after receipt of the deposit order not deposit the same within 10(ten) days, EMD deposited by him will be forfeited then second highest bidder will be considered as successful bidder for allotment of the licensing unit provided the second bidder will pay the rate of 1st highest bidder. In the same principle offer will be extended to remaining subsequent successful bidders, if any. Failing of which, fresh e-tender will be floated by the Collector of Excise.
13. The security/performance guarantee deposit as submitted by the successful tenderer shall be adjusted during last part of the licensing period of the concerned shop except in case of Bank Guarantee. In case of the unsuccessful tenderer, the Earnest Money Deposit (EMD) as submitted will be returned immediately after completion of tender process.
14. In case of defunct (non-functioning) shop, the shop may be shifted/settled upto 3.0 KM radius from the pre-existing location. In case of functioning shop at Urban Local Bodies, the shop may be shifted/settled upto 500 meters radius from the existing location. In case of functioning shop located at other than Urban Local Bodies, the shop may be shifted/settled upto 1.0 KM radius from the existing location.
15. The successful tenderer shall have to deposit licence fee(s) and security/performance guarantee deposit before issue of licence as determined and asked by the Collector of Excise _____ district.
16. The licensee shall be required to obtain necessary liquor permit from the Collector of Excise _____ district after fulfilling the requirements prescribed in the Tripura Excise Act, 1987 and Rules made thereunder.
17. The Collector of Excise, _____ district reserves the right to accept or cancel any bid including the highest one without assigning any reason thereof.

LIST OF SHOP(S)

SL No	Name of the Foreign Liquor/Country liquor shop(s)	Present Status of the Shop{functioning/defunct(non-functioning)}	Proposed MRF forYears.

CHECKLIST FOR EVALUATION OF TECHNICAL BID FOR.....FL/CL SHOP:-

1.	Whether the bidder has submitted Self Photograph?	Yes/No.
2.	Whether the bidder has submitted age proof documents?	Yes/No.
3.	Whether the bidder has submitted residence proof documents?	Yes/No.
4.	Whether the bidder has submitted proof of identity?	Yes/No.
5.	Whether the bidder has submitted copy of PAN card ?	Yes/No.
6.	Whether bidder has submitted copy of Aadhaar card?	Yes/No.
7.	Whether the bidder has submitted a statement of immovable property alongwith supporting document(s) which prove his/her financial ability to carry on the business.	Yes/No.
8.	Whether the bidder has submitted a certificate from the concerned Bank Manager about the present bank balance of the bidder mentioning the Account Number?	Yes/No.
9.	Whether the bidder has submitted duly authenticated Income Tax Return?	Yes/No.
10.	Whether the bidder has submitted Professional Tax Clearance Certificate?	Yes/No.
11.	Whether the bidder has submitted a declaration regarding that he/she has never been convicted by a criminal court for committing any non-bailable offence?	Yes/No.
12.	Whether the bidder has submitted a declaration regarding that he/she shall comply with the provisions of Tripura Excise Act, 1987 and Rules, Order, Notification, Executive Instruction etc. issued thereunder?	Yes/No.
13.	Whether the bidder has submitted a declaration that he/she is licensee but not in any arrears to the Government and his/her conduct has not been found to be unsatisfactory and that he/she has never been found guilty of any serious breach of conditions of license.?	Yes/No.
14.	Whether the bidder has submitted a declaration regarding that he/she shall be bound to obey the direction of the Collector of Excise of the concerned district in the arising circumstances of the disposal under Rule 153(2) of the Tripura Excise Rules, 1990.	Yes/No.

15.	Whether the bidder has submitted Tender Fee @Rs. 10,000/- (ten thousand) only for foreign liquor shop and Rs. 1000/- (Rupees one thousand) only for country liquor shop which is non-refundable?	Yes/No.
16.	Whether the bidder has submitted Earnest Money Deposit (EMD) of 5% of the MRF of the respective shop (which is refundable) along with the application to the Collector of Excise?	Yes/No.